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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,997	10/26/2005	Kim Stanley Jensen	55320.000801	2842

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EXAMINER

BREAN, LAURA MICHELLE

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/523,997	Applicant(s) JENSEN ET AL.	
	Examiner Laura M. Brean	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/13/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 54 (transferring arm). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 52 (screws). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of interchangeable wheels of claim 11, and the wireless motor activation means of claim 20, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains the legal phrase "said apparatus". Correction is required. See MPEP § 608.01(b)

5. The use of the trademark Velcro has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

6. The disclosure is objected to because of the following informalities:

On page, lines 23 and 26, reference 32 is defined as both the belt surface and a flange.

On page 8, line 36, "is substantially plane" should be "is substantially planar".

Appropriate correction is required.

Claim Objections

7. Claims 8, 9, and 12 are objected to because of the following informalities:

There is a lack of antecedent basis for the limitation "the wheel", as stated in claim 8, line 2.

There is a lack of antecedent basis for the limitation "the radius of a windscreen", as stated in claim 9, line 2.

There is a lack of antecedent basis for the limitation "the wheel", as stated in claim 12, line 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 8-12, 14-16, 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergman (WO86/07017). Bergman discloses a tool guiding apparatus

for guiding a tool (anchorage device, 5) along a path (defined by the glue joint) on a surface (windscreen) to be processed, said apparatus comprising: at least one path-defining means (guide member, 7) adapted to be attached to the surface, automatic tool actuation means (motor, page 7, lines 26-29) adapted to advance the tool along the path, wherein the automatic tool actuation means comprises a flexible force-transferring element (cutting wire, 3) comprising a first end and a second end, the first end being attached to the automatic tool actuation means (motor) and the second end being attached to the tool (5).

In regards to claim 2, Bergman discloses wherein the path-defining means (7) is adapted to engage at least a part of the flexible force-transferring element (3) (Figure 1).

In regards to claim 3, Bergman discloses the path-defining means comprises a wheel (spool, 11) adapted to engage at least a part of the force-transferring element (3).

In regards to claim 4, Bergman discloses wherein the automatic tool actuation means is adapted to be attached to the surface (suction cups, 19)(Figure 1).

In regards to claim 5, Bergman discloses wherein at least one of the automatic tool actuation and the at least one path defining means (7) comprises at least one vacuum cup (19).

In regards to claim 8, Bergman discloses wherein the vacuum cup (19) and the wheel (11) are interconnected by a moment arm (anchorage, 17).

In regards to claim 9, Bergman discloses wherein the radius of the wheel (8) is substantially equal to the radius of a windscreen of an automobile (Figure 1).

In regards to claim 10, Bergman discloses wherein the wheel (8) is capable of being releasably attached to the path defining means (7).

In regards to claim 11, Bergman discloses a plurality of interchangeable wheels (spool, 11, with gear rim 15, and small gear wheel, 16) at least two wheels having different radii (page 7, lines 21-25; Figure 1).

In regards to claim 12, Bergman discloses wherein at least a path of the surface of the wheel (11) comprises a friction increasing material (page 7, lines 13-15).

In regards to claim 14, Bergman discloses wherein the automatic tool actuation means comprises a motor (motor, page 7, lines 26-29).

In regards to claim 15, Bergman discloses wherein the motor is electrical (page 7, lines 26-29).

In regards to claim 16, Bergman discloses wherein the automatic tool actuation means are adapted to pull the tool along the path.

In regards to claim 22, Bergman discloses a method for guiding a tool (anchor, 5) along a path (defined by the guide member, 7 and the window pane) on a surface to be processed, said method comprising the steps of: attaching at least one path defining means (guide member, 7) along the path by activating an automatic tool actuation means, (motor, page 7, lines 26-29).

In regards to claim 23, Bergman discloses the step of attaching the automatic tool actuation means to the surface (via suction cups, 19).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6, 7, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman in view of Steck (U.S. Patent 4,481,059). Bergman discloses the claimed invention except that the tool, the anchor, 5, is a knife with a cutting edge. Attention is therefore directed to Steck, who similarly discloses a window panel removal device that utilizes an anchor (wire guide tool) to anchor the wire with lug nuts, 40, to the tool handle. However, Steck's wire guide tool also comprises a knife, (blade member, 30), that aids the wire in removing the window panel from the automobile. The knife structure provides an additional guide means for the wire that keeps the wire taut. It would have been obvious to one having ordinary skill in the art at the time of invention to have modified the anchor of Bergman with the anchor of Steck in order to provide additional cutting means to aid the cutting wire, and to provide a means for keeping the wire taut in the cutting process in order to increase the cutting efficiency and control of the cutting procedure.

In regards to claim 7, Bergman as modified by Steck, discloses wherein at least a part of the cutting edge extends in a direction transverse to a line defined by at least a part of the force-transferring element (3). As shown by Figure 1, Bergman discloses that

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the force-transferring element (3) extends both along the horizontal and vertical plane of the windowpane.

In regards to claim 17, Bergman as modified by Steck, discloses wherein the knife is releasably attached to a fixture (drawing device, 9) via the wire.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman in view of Hall (U.S. Patent 3,886,926). Bergman discloses the claimed invention except that the force-transferring element comprises a friction increasing material. However, attention is directed to the Hall device that discloses an abrasive cutting wire. The abrasive on the wire increases the friction between the cutting elements such that the cutting wire removes more material with each stroke and is therefore more efficient. It would have been obvious to one having ordinary skill in the art to have modified the force transferring element to have an abrasive surface as taught by Hall in order to increase the wire's cutting efficiency.

13. Claims 18-19 and 21 are rejected under 35 U.S.C. 102(b) as anticipated by Bergman or, in the alternative, under 35 U.S.C. 103(a) as obvious over Morford et al (U.S. Patent 4,215,475), herein referred to as Morford. Bergman discloses the claimed invention except that and is silent to as whether the motor comprises a means for activating the motor. However, the examiner takes Official Notice that in order for a motor to work, there must be a means for activating the motor. Furthermore, to the extent that it can be argued that it is not obvious that an activation means is required in

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order for a motor to function, attention is directed to Morford, who discloses a motor for an oscillating cut-out tool for use in removal of a window. Morford discloses a switch (26) for turning on and off the motor. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided a means for activating the motor of Bergman (if not already present) as taught by Morford in order to turn the motor on and off.

In regards to claim 19, Bergman as modified by Morford, discloses wherein the means for activating the motor is adapted to control the speed of the motor. (When the motor is off, the speed velocity is zero, when the motor is turned on; the motor speed increases to a predetermined velocity).

In regards to claim 21, Bergman as modified by Morford, discloses wherein the means for activating the motor is adapted to control the speed of the motor. (When the motor is off, the speed velocity is zero, when the motor is turned on; the motor speed increases to a predetermined velocity).

14. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman. Bergman discloses the claimed invention except that the means for activating the motor are wireless. The examiner takes Official Notice that it is old and well known in the art to activate a motor with a remote control in order to activate a motor and therefore the device from a distance.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,616,800 to Eriksson and U.S. Patent 6,237,216 to Jin disclose an apparatus for the removal of a windshield using cutting means with non-manual movement devices. U.S. Patent 4,199,852 to Ayers et al. and U.S. Patent 5,784,788 to Cothery disclose a cutting tool for removing a windshield with manual pulling means. French Patent FR2869867 to Da Fronseca Fose discloses a cutting wire for the removal of a windshield.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMB
07/06/2006



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SUPERVISORY PATENT EXAMINER